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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

**SPECIALTY EQUIPMENT MARKET  
ASSOCIATION & PERFORMANCE  
RACING, INC.; NATIONAL TRUCK  
EQUIPMENT ASSOCIATION,**

Plaintiffs,

**v.**

**CALIFORNIA AIR RESOURCES  
BOARD; STEVEN S. CLIFF, in his official  
capacity; ROBERT A. BONTA, in his  
official capacity; and DOES 1 through 25,**

Defendants.

2:24-cv-02771- TLN-AC

**STIPULATION AND ORDER TO  
EXTEND BRIEFING SCHEDULE FOR  
DEFENDANTS' MOTION TO DISMISS**

Courtroom: 2, 15th Floor  
Judge: Hon. Troy L. Nunley  
Trial Date: Not Set  
Action Filed: October 8, 2024

Under Local Rule 144, Plaintiffs Specialty Equipment Market Association & Performance Racing, Inc. and National Truck Equipment Association (collectively, Plaintiffs) and Defendants California Air Resources Board (CARB), Steven S. Cliff, in his official capacity, and Robert A. Bonta, in his official capacity, (collectively, Defendants) hereby stipulate to extend by 30 days the deadline for Defendants to file a response to Plaintiffs' Complaint for Declaratory and Injunctive Relief, ECF No. 1 (Complaint) and to extend by 30 days the briefing schedule for any motion(s) to dismiss Defendants may file, as follows:

1. Plaintiffs filed the Complaint in this action on October 8, 2024.

2. Defendants waived service, making their responsive pleadings due December 9, 2024. ECF No. 4.

3. The parties previously sought and obtained three extensions of time for Defendants' response to the Complaint and for briefing on Defendants' anticipated motion(s) to dismiss. By three successive stipulations and orders, the Court has extended the deadline for Defendants to respond to the Complaint to April 16, 2025. ECF No. 12, 15, 17. In the event Defendants moved to dismiss the Complaints, Plaintiffs' opposition(s) would be due May 28, 2025; and Defendants' reply/replies would be due June 25, 2025. ECF No. 17.

4. Plaintiffs' Complaint targets a regulation adopted by CARB and referred to as Advanced Clean Fleets (ACF).

4. CARB had requested that the United States Environmental Protection Agency (EPA) waive Clean Air Act preemption for parts of ACF but has since withdrawn that request.

5. The parties are continuing to discuss the implications of the withdrawn waiver request and have tentatively reached at least a partial agreement in principle to resolve this litigation. The parties believe it would be more efficient to continue those conversations and attempt to resolve the remaining details than to proceed with Defendants' responses to the Complaint and possible briefing on one or more motions to dismiss.

6. The parties therefore stipulate that the deadline for Defendants' responsive pleadings be extended to May 16, 2025 to provide the parties with more time for their ongoing discussions.

1           7. The parties also stipulate that if Defendants file one or more motions to dismiss on or  
2 before May 16, 2025, Plaintiffs' opposition(s) will be due June 27, 2025; and Defendants'  
3 reply/replies would be due July 25, 2025.

4 Dated: April 11, 2025

Respectfully submitted,

5 ROB BONTA  
6 Attorney General of California  
7 MYUNG J. PARK  
8 Supervising Deputy Attorney General

9 /s/ M. Elaine Meckenstock  
10 M. ELAINE MECKENSTOCK  
11 Deputy Attorney General  
12 *Attorneys for Defendants*

11 Dated: April 11, 2025

SIDLEY AUSTIN LLP


12 /s/ Caleb J. Bowers  
13 Caleb J. Bowers  
14 Attorney for Plaintiffs  
15 SPECIALTY EQUIPMENT MARKET  
16 ASSOCIATION & PERFORMANCE  
17 RACING, INC.; NATIONAL TRUCK  
18 EQUIPMENT ASSOCIATION  
19 (as authorized on April 11, 2025)  
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**ORDER**

Based on the foregoing stipulation of the parties, and for good cause shown, the time for Defendants California Air Resources Board; Steven S. Cliff, in his official capacity; and Robert A. Bonta, in his official capacity, to respond to Plaintiffs' Complaint, ECF No. 1, is hereby extended from April 16, 2025, to May 16, 2025. Should Defendants move to dismiss on or before that date, Plaintiffs deadline to oppose any such motion(s) is June 27, 2025; and Defendants deadline to reply is July 25, 2025.

IT IS SO ORDERED.

Dated: April 11, 2025

  
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Troy L. Nunley  
Chief United States District Judge